

antecedent for "said wearer" in line 7 is found in line 1 of a wearer. This recitation was suggested by the examiner in an earlier action. It should stand now.

2. Rejection under 35 U.S.C. 101

Claims 1 - 4 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. It is pointed out to the examiner that claim 1 recites An ornamental arm band and not a part of a human body. The recitation to be worn by a wearer and arm band is only incidental to a function of the arm band.

The examiner's attention is directed to Patent No. 6,976,327, of record in this case, especially to claim 1 therein where body parts have been recited. Are there different standards in the PTO in analyzing claims under 35 U.S.C 101?

2. (sic) Recitation of 35 U.S.C. 102.

Claim 1 has been rejected under 35 U.S.C. 102(b) as being anticipated by Brannon. The reference to Brannon is a hair holder. It is one complete plate having at one end thereof lateral recesses. The examiner states that "Brannon discloses an ornamental band including a rigid plate". This is incorrect in that in Brannon there is no rigid plate. The whole band is flexible. The examiner continues to state that "there is an end portion defined by numeral 12 with at least one recess 12 and a U-shaped link 8 - 11 is rigidly attached to the other end of the band 5". However, there is no U-shaped link in Brannon. There is a lug which is provided with a medially disposed longitudinal recess whereby jaws 8 and 9 are formed with the free terminals of which are bent rearwardly and at right angles as shown at 10 and 11 so as to provide locking ears which overlie a portion of the outer face of the strip. In lines 90 - 105 there is an explanation of how the lateral recesses 12 and 13 are received between the jaws 8 and 9. There is nothing flexible in the so-called U shape link of Brannon or as is now claimed the "loop shaped link". Brannon simply does not have a loop shaped link and therefore, cannot anticipate the claims 1 - 4.

4. Recitation of 35 U.S.C. 102

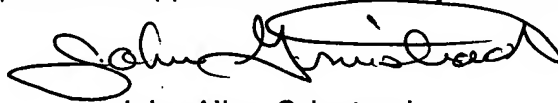
5. Claims 1 and 3 are rejected under 35 U.C.S. 102(e) as being anticipated by Goodin. According to the examiner, "Goodin discloses an ornamental band including a rigid plate 14". This observation is correct. The examiner continues: "including a rigid plate 14 with at least one lateral recess (16b), a springy band (12) rigidly attached to the other end". This is not correct. Goodin does not show and teach any lateral teeth but only uses ratchet teeth 18 which are located on a surface of the band 12. Therefore, claims 1 and 3 are not anticipated by Goodin at all. Their latching principle and system is entirely different from what is claimed. The examiner further states that "the U-shaped link is adapted to settle in the lateral recess (16.b) in the edge of the plate". This is not so because the U-shaped link 16 is described as a latch assembly. Within the latch assembly there is a locking cam 16f which will engage the ratchet teeth 18 which are located on the surface of the band 12. This then again is totally different from what is claimed. Because of all of the above, the rejection of claims 1 and 3 as being anticipated by Goodin should be withdrawn.

6. Recitation of 35 U.S.C. 103.

7. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodin in view of Rigberg.

The base reference Goodin is no longer a valid reference as is outlined in Par. 5 above and therefore, the secondary reference to Rigberg can no longer be applicable.

In view of all of the above, the examiner is respectfully requested to withdraw all of the rejections and pass this application to an early indication of allowance.



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